

Town of Iron Gate

P.O. Box 199
401 Commerce Avenue
Iron Gate, VA 24448
Office (540) 862-0770

Vice Mayor Councilperson Erskine gave the Invocation and then the Pledge of Allegiance was recited. This meeting was changed from a Work Session to a Special Called Meeting at the last Council Meeting.

The called meeting was called to order at Iron Gate Town Hall on April 17, 2023 at 7:01 pm by Mayor Craig. Those in attendance were; Mayor Craig, Councilpersons Debbie Harris, Jennifer Tyree, Kawahna Persinger, Brandon Marshall, Vice Mayor Councilperson Richard Erskine, Town Attorney Jared Jenkins and Town Clerk/Treasurer Wendy Biggs. Councilperson G.W. Reynolds was absent. Also in attendance was Jimmy Jeffries, Ronnie Dowd and Judy Clark with the Alleghany Journal.

Mayor Craig reminded everyone that the Special Called Meeting was due to the fact that Council had voted at the last Council meeting to have Town Attorney Jared Jenkins draw up a resolution in regard to the Simpson case. The resolution is due to Judge Stein refusing to recuse himself after a request from the Town of Iron Gate to do so, when Judge Stein had made comments against the Town in open court. Mayor Craig then read the resolution that was drawn up (attached).

Mayor Craig then asked for a motion to accept and present the resolution to the court. Vice Mayor Councilperson Erskine made the motion to accept and present the resolution to the court; Councilperson Harris second the motion. A roll call vote was taken:

Councilperson Harris- Yes
Councilperson Persinger- Yes
Councilperson Tyree- Yes
Councilperson Erskine- Yes
Councilperson Marshall- Yes
Councilperson Reynolds- Absent

Mayor Craig announced that the motion has carried. Town Attorney Jared Jenkins will present the resolution, attaching it to the motion for reconsideration for recusal to the court.

There being no other business, Mayor Craig noted that the Special Called meeting has ended and that Council will now be going into an Executive Closed Session under VA Code 2.2-3711, Item #7 for legal. Mayor Craig then asked for a motion to enter into an Executive Closed

Session under VA Code 2.2-3711, Item #7, legal. Vice Mayor Erskine made the motion and Councilperson Persinger second it. A roll call vote was taken:

Councilperson Harris- Yes
Councilperson Persinger- Yes
Councilperson Tyree- Yes
Councilperson Erskine- Yes
Councilperson Marshall- Yes
Councilperson Reynolds- Absent

Mayor Craig announced that the motion has carried. Councilperson Persinger and Tyree questioned if there was any work session type items that needed to be discussed, and it was stated that there were none at this time.

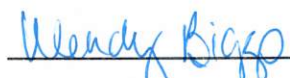
Council then came out of the Executive Closed Session under VA Code 2.2-3711, Item #7 for legal, with a motion from Councilperson Marshall and a second from Councilperson Tyree. All of Council was asked for all those in favor to come out of the closed session to state "I"; all five (5) Councilmembers in attendance stated "I".

A motion was then requested to enter back into the Special Called meeting from the Executive Closed Session under VA Code 2.2-3711, Item #7 for legal, where nothing was discussed and no action was taken other than legal matters. Councilperson Persinger made the motion to enter back into the Special Called meeting from the Executive Closed Session under VA Code 2.2-3711, Item #7 for legal, where nothing was discussed and no action was taken other than legal matters. Councilperson Harris second the motion. All of Council was asked for all those in favor to come out of the closed session to state "I"; all five (5) Councilmembers in attendance stated "I".

Mayor Craig then asked for a motion to close the Special Called meeting. Vice Mayor Councilperson Erskine made the motion to close the Special Called meeting and Councilperson Persinger second the motion. All of Council was asked for all those in favor to come out of the closed session to state "I"; all five (5) Councilmembers in attendance stated "I". The meeting ended at 8:20pm.



Gary A. Craig, Mayor



Wendy S. Biggs, Clerk

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A RESOLUTION REQUESTING THE RECUSAL OF JUDGE EDWARD K. STEIN

WHEREAS, the Town of Iron Gate is currently the Respondent in the case captioned *Jennifer Lynn Simpson v. Town of Iron Gate* in Alleghany County Circuit Court; and

WHEREAS, the Judge hearing the case is the Honorable Edward K. Stein; and

WHEREAS, Judge Stein has made multiple statements in open court that lead the Town to question whether it is receiving a fair trial without bias or prejudice; and

WHEREAS, Judge Stein has stated that the Town "should be absolutely ashamed" and that he would punish the Town if he could for actions it took on matters unrelated and irrelevant to the issues currently before him; and

WHEREAS, Judge Stein has denied a Motion to Recuse, stating that he thought it was appropriate to "rebuke" the Town; and

WHEREAS, Judge Stein has completely ignored the separation of powers in government by opining on legislative issues within the Town's inherent powers; and

WHEREAS, the Town Council believes that its citizens have the right to a fair trial in order to protect the public confidence in the integrity of the judiciary; and

WHEREAS, the Town Council believes that the Town is being treated unfairly by Judge Stein and is not confident that the integrity of the judiciary is being maintained in this case;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Iron Gate hereby requests that Judge Edward K. Stein recuse himself from any further participation in *Jennifer Lynn Simpson v. Town of Iron Gate*.

Unanimously adopted this 17th day of April, 2023.

Attest: _____
Wendy Biggs, Clerk